

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

1. Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Frelburger et al. ("Frelburger," U.S. Patent No. 6,475,146). Applicant respectfully traverses the rejection. Specifically, Applicant submits that Frelburger is not available as a prior art reference against the claims of the present application.

Applicant has submitted herewith a declaration under 37 C.F.R. § 1.131 to remove Frelburger as prior art. The United States filing date of Frelburger is September 24, 2001. The declaration and accompanying documents demonstrate that the subject matter of claims 1-20 was in the possession of the inventors before September 24, 2001. More specifically, the declaration and accompanying documents show that the subject matter of claims 1-20 was conceived and actually reduced to practice prior to September 24, 2001.

It is respectfully submitted that claims 1-20 are allowable over Frelburger because Frelburger does not qualify as prior art under 35 U.S.C. § 102(e) based upon the attached declaration under 37 C.F.R. 1.131 and supporting documents submitted herewith.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-20 is respectfully submitted.

2. Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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